

EXHIBIT H

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APPENDIX OF AUTHORITY SUPPORTING ARGUMENT THAT PLAINTIFFS FAIL
TO PLEAD FRAUD OR DECEIT WITH REQUISITE PARTICULARITY, AS
REQUIRED BY THE CONSUMER PROTECTION LAWS OF FIVE STATES
(SECTION IV.A)

	State	Authority
1.	Florida	Fla. Stat. § 501.204; <i>In re Packaged Ice Antitrust Litig.</i> , 779 F. Supp. 2d 642, 665 (E.D. Mich. 2011) (dismissing FDUTPA claim for failure to plead fraud with particularity because “nothing relieves an indirect purchaser suing under [FDUTPA] from the burden of pleading the claim with particularity).
2.	Michigan	Mich. Comp. Laws § 445.901; <i>In re Packaged Ice Antitrust Litig.</i> , 779 F. Supp. at 666 (dismissing MCPA claim for “failure to allege an intent to deceive and for failure to plead fraud with the requisite particularity”).
3.	Minnesota	Minn. Stat. § 325F.69; <i>E-Shops Corp. v. U.S. Bank Nat’l Ass’n</i> , 795 F. Supp. 2d 874 (D. Minn. 2011) (concluding that plaintiffs failed to state a claim under Minnesota Consumer Fraud Act because plaintiffs failed to meet the heightened pleading requirement of Rule 9(b)).
4.	North Dakota	N.D. Cent. Code § 51-15-02; <i>In re New Motor Vehicles Canadian Export Antitrust Litig.</i> , 350 F. Supp. 2d 160, 198 (D. Me. 2004) (finding that “a plaintiff must allege fraudulent or deceptive conduct to maintain a North Dakota consumer protection claim, based on the plain language of the statute and supported by Supreme Court of North Dakota[]” decision, and dismissing plaintiffs’ claim for failure to allege any fraud or deception).
5.	South Dakota	S.D. Codified Laws § 37-24-6; <i>In re New Motor Vehicles</i> , 350 F. Supp. 2d at 202 (claim dismissing South Dakota consumer protection claim for failure to allege fraud or deception).